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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,833	06/25/2001	Steven Verhaverbeke	004730	2675
32588	7590	09/14/2005	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			TUROCY, DAVID P	
			ART UNIT	PAPER NUMBER

1762

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,833

Applicant(s)

VERHAVERBEKE ET AL.

Examiner

David Turocy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 18-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13, 18 and 39-42 is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant's amendments, filed 7/1/2005, have been fully considered and reviewed by the examiner. In light of the amendments to claims 22, 25, and 28, the examiner has withdrawn the 35 USC 112 2nd paragraph rejection. The examiner notes the amendments to claims 19, 23, 26, 28, and 32. In light of the amendment to claims, the 35 USC 102(b) and 35 USC 103(a) rejections over McConnell have been withdrawn because McConnell does not teach of applying only the measured amount of chemical. In addition the 35 USC 103(a) over Ryu has been withdrawn because the reference fails to teach or fairly suggest pushing the chemical with a flushing fluid. Claims 8-13 and 18-42 remain pending.

Response to Arguments

2. Applicant's arguments filed 7/1/2005 have been fully considered but they are not persuasive.

The applicant has argued against the Nakata reference stating the reference teaches of vapor chromatography. The examiner respectfully disagrees. Nakata suggests to one of ordinary skill in the art a system for delivering accurately reproducible volumes of fluid into another fluid stream and only discloses vapor chromatography as one method of using such a system, see column 1, lines 9-16.

In response to applicant's argument that Nakata and Shackelford is nonanalogous art, it has been held that a prior art reference must either be in the field of

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applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Nakata, McConnell, and Shackelford are all concerned with the same problem, precise metering of one fluid into another fluid.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., liquid chemicals) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

All other arguments are considered moot in view of the amendments filed 7/1/2005.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 19-21, 23-24, 26-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3045702 by Nakata in view of McConnell et al.

Nakata discloses a method of accurately reproducing volume of fluid from one fluid stream to another (Column 1, lines 9-11). Nakata discloses flowing a chemical into a 6 port-valve system with a tube (25) of known volume, filling the tube to generate a measured amount of chemical approximately equal to the known volume of the tube (Figure 3, Column 5, lines 44-46). Nakata discloses changing the valve system from charging to discharging, and visa versa, by performing a single change of state of the multi-port valve (Column 2, lines 27-53). While the examiner notes Nakata uses gas chemicals to illustrate the valve system, Nakata discloses the valve relates to a fluid sampling apparatus, and therefore one of ordinary skill in the art at the time of the invention would reasonably expect the valve system as disclosed by Nakata to effectively reproduce accurate volumes of one fluid within another fluid.

Nakata fails to disclose applying the measured amount of chemical in a known measured concentration to a semiconductor wafer in a single semiconductor wafer etching or cleaning process.

However, McConnell et al. discloses accurately control the amount of HF that is injected into a water flow stream in order deliver precise concentrations of HF to the semiconductor cleaning process (col. 12, lines 9-62). McConnell et al. additionally teaches the steps of flowing DI water into pushing the measured amount of chemical into a chamber continuing to flow said DI water (and chemical) into said chamber until a predetermined level is reached in said chamber. McConnell discloses controlling the amount of DI water utilized to provide precise control over the flow rate, i.e. volume, in order to provide precise concentration of chemicals (col. 12, lines 9-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nakata to accurately measure a precise amount of HF in a controlled volume of water stream during a semiconductor cleaning process as suggested by McConnell et al. to provide a desirable precise volume of fluid into another fluid, i.e. concentration because Nakata discloses accurately delivering a known volume of one fluid into another fluid is known in the art to provide accurate, reproducible volume of fluid within a delivery stream and therefore would reasonably be expected to successfully provide accurate concentrations during a semiconductor cleaning process.

Claims 21 and 31: Nakata in view of McConnell et al. lacks a teaching of the use of a 6-port valve in its valve system. McConnell et al. states in col. 6, lines 59-65 that "various multiport two- or three-position valves may be substituted in the loop for certain groups of two or more valves shown in the figures." McConnell et al. also states with

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regard to Figure 5, "a five port, four way valve may also be used in place of the two three port, 2 position valves" (col. 12, lines 44-46). Therefore, McConnell et al. suggests the replacement of numerous smaller valves with multi-port valves and visa versa. It would have been obvious to replace a 6-port valve with two 3-port valves with the expectation of equivalent results since it is known that a 6-port valve may perform the same as two 3-port valve in succession.

Claim 29: Nakata in view of McConnell et al lacks a teaching of applying the mixed chemical solution to a spinning wafer. McConnell et al. teaches a desire to provide uniform exposure of the wafer(s) treated to the cleaning solution in the process of its invention. It is well known in the semiconductor manufacturing art that spinning of wafers immersed in a treatment solution ensures that all areas of the semiconductor wafer are exposed equally to the treatment solution. It would have been obvious for one having ordinary skill in the art to have spun the semiconductor wafer(s) while immersed in the various cleaning solutions in Nakata in view of McConnell et al.'s process in order to equally expose all areas of the wafer(s).

6. Claims 22, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3045702 by Nakata in view of McConnell et al as applied to claims 19, 23, and 26 above, and further in view of US Patent 4243071 by Shackelford.

Nakata in view of McConnell teaches all the limitations of these claims as discussed above in the 35 USC 103(a) rejection, however, they fail to disclose changing the amount of chemical used by changing the volume of said tube.

However, Shackelford, teaching of a method for retaining precise amount of liquid using a valve, discloses interchanging the tube to change the volume of the reservoir (Abstract, Column 5, lines 9-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nakata in view of McConnell to interchange the tube to change the volume of chemical retained within the tube as suggested by Shackelford to provide a desirable precise amount of chemical in semiconductor cleaning process because Shackelford discloses changing the tube to change the volume of a chemical is known in the art to retain different volumes of fluid using the same valve and therefore would reasonably be expected to effectively provide different concentrations using the same valve in a semiconductor cleaning process.

7. Claims 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable by US Patent 3291347 by Blades

Blades teaching a method of mixing chemicals comprising the steps of flowing a first and second chemical into first and second tubes with known volumes to generate a measured amount of first and second chemicals (Figure 6). Blades discloses flushing the first measured amount with the second chemical and the second measured amount

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with the first chemical into an exhaust unit with a single reservoir (Figure 6). Blades discloses the second fluid is adapted to be carefully metered, i.e. have a known volume, to provide precise dilution (Column 4, lines 62-66).

Blades discloses a process within a single valve and fails to teach of two separate valve systems, 6-port and 3 port valves, however, the transposition of process steps or the splitting of one step into two, where the processes are substantially identical or equivalent in terms of function, manner and result, was held to be not patentably distinguish the processes. *Ex parte Rubin*, 128 USPQ 440 (Bd. Pat. App. 1959). In addition, Blades discloses mixing fluids using 6 port valves and 3 port valves, therefore separating the process of Blades into two steps, using any combination of 6-port and 3 port valves, would have been obvious to one of ordinary skill in the art because Blades teaches using 6-port valves and 3 port valves to mix fluids and therefore using any combination of 6-port valves and 3 port valves would reasonably be expected to effectively mix two chemicals together.

Allowable Subject Matter

8. Claims 8-13, 18, and 39-42 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

9. Claim 8: None of the prior art cited or reviewed by the examiner discloses flowing DI water into a first and second conduit, wherein the DI water in the first conduit pushes the measured amount of chemical into a third conduit and thereafter mixing the

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contents of the second and third conduits and dispensing the flow onto a spinning wafer.

10. Claim 11: None of the prior art cited or reviewed by the examiner discloses flowing an inert gas through the valve systems to push the measured amount of first chemical and DI water into a chamber where the two measured amounts are mixed.

11. Claims 39-42: None of the prior art cited or reviewed by the examiner teaches or fairly suggests mixing chemicals by flowing a first chemical into a valve system with a tube of known volume to generate a measured amount and flowing a second chemical through a control valve and then splitting the second chemical, where one split enters the valve system to push the measured amount first chemical through a control valve and the second split enters a different control valve and subsequently mixing together the two splits after the respective control valves.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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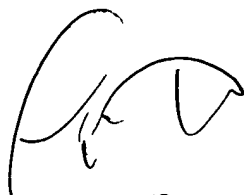
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy
AU 1762



TIMOTHY MEEKS
ADVISORY PATENT EXAMINER